

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SUN YEUL HONG,

Plaintiff,

-v-

MOMMY'S JAMAICAN MARKET CORP., KAP WON  
KIM, MYONG SU KIM, DAE KYU KIM,

Defendants.

20-cv-9612 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Pending before the Court is Plaintiff Sun Yeul Hong's motion to set aside the Court's order of December 22, 2021, Dkt. No. 37, vacating the entry of default judgment. *See* Dkt. No. 83. The Court will hold an evidentiary hearing and oral argument on that motion<sup>1</sup> on May 18, 2023, at 2:00 p.m. in Courtroom 15C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007. *Cf. Copper Leaf LLC v. Belize Infrastructure Fund I, LLC*, 2022 WL 409083, at \*2 (S.D.N.Y. Feb. 10, 2022) ("As the Second Circuit has recognized, in the Rule 60(b) context, evidentiary hearings should be held to decide disputes concerning "material issues of fact." (quoting *Flaks v. Koegel*, 504 F.2d 702, 712 (2d Cir. 1974))).<sup>2</sup>

Each party is directed to file a letter no later than 5:00 p.m. on May 16, 2023, detailing the evidence, if any, that such party intends to present during the evidentiary hearing.

SO ORDERED.

Dated: May 10, 2023  
New York, New York



LEWIS J. LIMAN  
United States District Judge

<sup>1</sup> The parties will not be permitted to make argument with respect to the pending partial motion for summary judgment. Dkt. No. 80.

<sup>2</sup> The Court recognizes that Plaintiff does not frame the motion as one brought pursuant to Rule 60(b). As the Court understands it, however, the same principles that would support holding a hearing on disputed issues of fact for motions under Rule 60(b) should also apply here.